

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

PATRICK D. WILLIAMS,

CASE NO. \_\_\_\_\_

PLAINTIFF,

## COMPLAINT

VS.

AND

## DEMAND FOR JURY TRIAL

ASSET ACCEPTANCE, LLC.,

DEFENDANT.

COMES NOW, the Plaintiff, by and through his attorneys, Pamela A. Car and William L. Reinbrecht, of Car & Reinbrecht, P.C., L.L.O., and alleges and states that this is an action brought by an individual consumer for Defendant's violations of the FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §1692 et. seq. In support of his claim, the Plaintiff states and alleges as follows:

### **JURISDICTION AND PARTIES**

1. That subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §1331 and other provisions of the law.
2. That venue is proper in this Court for the reason that the claims on which the transactions took place happened in this Judicial District.
3. That Plaintiff is a resident of Lancaster County, Nebraska.
4. That Defendant ASSET ACCEPTANCE, LLC., (hereinafter "Asset") is a debt collector and is a Michigan company with its principal place of business in Warren, Michigan, and is engaged in the business of collecting debts in this state.

### **FACTUAL BACKGROUND**

5. That on or about December, 19, 2008, Defendant filed a lawsuit against the Plaintiff the purpose of which was to collect on an account alleged to be owed for personal, family, or household purposes.
6. That in response to said collection Complaint, Plaintiff filed an Answer indicating that the claim is disputed and that the account was likely not his.
7. In an attempt to determine the validity of the account, Mr. Williams' lawyer sent discovery requests to Asset. Rather than answering the discovery requests, Asset dismissed the county court collection lawsuit without prejudice.

8. That the Defendant and its lawyers failed to make a reasonable investigation into the validity of the debt prior to filing the lawsuit against Mr. Williams.

**CAUSE OF ACTION**  
**FAIR DEBT COLLECTION PRACTICES ACT**

COMES NOW the Plaintiff and for his Cause of Action against the Defendant, states and alleges as follows:

9. That the Plaintiff is a natural person and is a “consumer” within the meaning of the Fair Debt Collection Practices Act, 15 U.S.C. §1692(a)(3).

10. Defendant is a collection agency engaged in the business of collecting debts and regularly attempts to collect debts alleged to be due another by use of the mail and telephone and as such, is a “debt collector” within the meaning of 15 U.S.C. §1692 (a)(6).

11. That at all times relevant hereto Defendant was attempting to collect an alleged debt of an unidentified by creditor alleged to be in default by the Plaintiff for personal, family or household purposes.

12. That during the course of attempting to collect the alleged debt, Defendant:

a) made false representations as to the character, amount, or legal status of the debt in violation of 15 U.S.C. §1692e(2)(A).

b) violated § 1692(c) by continuing to collect on a debt without properly validating it after receiving a request for validation.

WHEREFORE, Plaintiff prays for a judgment against the Defendant for statutory damages, general damages, actual damages, and statutory attorney fees and costs of this suit and for such other and further relief as the Court shall deem appropriate.

Dated: October 20, 2009

PATRICK D. WILLIAMS, PLAINTIFF,

by: s/ Pamela A. Car  
Pamela A. Car, # 18770  
William L. Reinbrecht, #20138  
Car & Reinbrecht, P.C., L.L.O.  
8720 Frederick St. # 105  
Omaha, NE 68124  
(402) 391-8484 phone  
(402) 391-1103 fax  
[carlaw@uswest.net](mailto:carlaw@uswest.net) e-mail  
ATTORNEYS FOR PLAINTIFF

**JURY DEMAND**

Plaintiff demands a trial by jury as to all issues so triable in Omaha, NE.

s/ Pamela A. Car